

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 852 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JATASHANKAR DAYALAL THAKAR

Versus

PATEL SHANKARBHAI KHODABHAI

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Appearance:

MR AD DESAI for Petitioners

MR BD KARIA for Respondent No. 1

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 29/06/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. Bhargav  
D. Karia, learned advocate appearing for the respondent.

2. Heard.

3. Following order has been impugned in this

revision application :

"This Civil Misc. Appeal No. 15/98 is hereby allowed and order passed by the learned trial Judge at Dhrangadhra below Exh. 5 in RCS No. 44/98 on 6.3.1998 is hereby quashed and set aside and interim injunction is granted as prayed for in para - 14 of application Ex. 5 till final disposal of the suit. "

3. During the course of submissions, both the learned advocates did not object to the parties being directed to maintain status quo. However, they concur with the observations of the appellate Court that the original plaintiff was in possession of the land in question at the time of the suit. In that view of the matter, aforesaid order is hereby confirmed with a modification that both the parties to the suit shall maintain status quo with regard to the land in question till the final disposal of the suit. The trial Court is further directed to hear and decide the suit as expeditiously as possible. Subject to this, rule is discharged with no order as to costs.

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Vyas